

JS 44 (Rev. 09/11)

**CIVIL COVER SHEET**

The JS 44 civil coversheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

CMA CGM (AMERICA) INC.  
5701 Lake Wright Drive  
Norfolk, VA 23502

(b) County of Residence of First Listed Plaintiff **Norfolk City**  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)  
Shawn P. McClure, Esquire, Bernstein Law Firm, PC  
Suite 2200 Gulf Tower  
Pittsburgh, PA 15219 412-456-8100

**DEFENDANTS**

FR. MEYER SOHN NORTH AMERICA, LLC  
One First Avenue, Suite One  
West Reading, PA 19611

County of Residence of First Listed Defendant **Berks County**  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)  
Dean E. Weisgold, Esquire  
1835 Market Street, Suite 1215  
Philadelphia, PA 19103 215-599-0327

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                                   | DEF                                   |   | PTF                        | DEF                        |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1            | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2            | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3            | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	PERSONAL INJURY	PROPERTY	LABOR	PROPERTY RIGHTS	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input checked="" type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee (Prisoner Petition) <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

**V. ORIGIN**

(Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 U.S.C. Section 1331, 1337, 1441

Brief description of cause:

Breach of admiralty/maritime Contract

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

04/16/2012

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44****Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

**I. (a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

**II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

**III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

**IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

**V. Origin.** Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

**VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553  
Brief Description: Unauthorized reception of cable service

**VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

**VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

## UNITED STATES DISTRICT COURT

**FOR THE DISTRICT OF PENNSYLVANIA – DESIGNATION FORM** to be used by counsel to indicate the category for the purpose of assignment to appropriate calendar.

Address of Plaintiff: CMA CGM (AMERICA) INC., 5701 Lake Wright Drive, Norfolk, VA 23502

Address of Defendant: Fr. Meyer Sohn North America, LLC, One First Avenue, Suite One, West Reading, PA 19611

Place of Accident, Incident or Transaction: Reading, Pennsylvania

(Use Reverse Side For Additional Space)

Does this case involve multidistrict litigation possibilities?

RELATED CASES IF ANY

Yes ☐

No ☒

Case Number: \_\_\_\_\_

Judge \_\_\_\_\_

Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

- |    |   |                              |                             |
|----|---|------------------------------|-----------------------------|
| 1. | Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 2. | Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?            | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 3. | Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

CIVIL: (Place ☐ in ONE CATEGORY ONLY)

A. *Federal Question Cases:*

1. ☒ Indemnity Contract, Marine Contract, and All Other Contracts

2. ☐ FELA

3. ☐ Jones Act-Personal Injury

4. ☐ Antitrust

5. ☐ Patent

6. ☐ Labor-Management Relations

7. ☐ Civil Rights

8. ☐ Habeas Corpus

9. ☐ Securities Act(s) Cases

10. ☐ Social Security Review Cases

11. ☐ All Other Federal Question Cases  
(Please specify)

B. *Diversity Jurisdiction Cases:*

1. ☐ Insurance Contract and Other Contracts

2. ☐ Airplane Personal Injury

3. ☐ Assault, Defamation

4. ☐ Marine Personal Injury

5. ☐ Motor Vehicle Personal Injury

4. ☐ Other Personal Injury (Please specify)

5. ☐ Products Liability

6. ☐ Products Liability – Asbestos

9. ☐ All Other Diversity Cases  
(Please specify) Contract

### ARBITRATION CERTIFICATION

(Check appropriate Category)

I, Dean E. Weisgold, Esquire, counsel of record do hereby certify:

☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

☐ Relief other than monetary damages is sought.

DATE: 4/16/12

Dean Weisgold  
Attorney-at-law

52927  
Attorney I.D. #

**NOTE:** A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 4/16/12

Dean Weisgold  
Attorney-at-law

52927  
Attorney I.D. #

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

CMA CGM (America) LLC

CIVIL ACTION

v.

NO. \_\_\_\_\_

FR. MEYER SOHN NORTH AMERICA, LLC  
SYSTEM

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See §1:03 of the plan set forth on the reverse side of this form). In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Case brought under 28 U.S.C. §112241 through §112255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits ( )
- (c) Arbitration – Case required to be designated for arbitration under Local Civil Rule 53:2. (X)
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases). ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ( )

4/16/12  
DATE

*Dean W. W.*

Attorney-at-Law

*Dean W.*

Attorney for Plaintiff

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PENNSYLVANIA

SUMMONS IN A CIVIL ACTION

CMA CGM (AMERICA) INC.

v.

FR. MEYER SOHN NORTH AMERICA, LLC

:  
:  
:  
:  
:

NO. \_\_\_\_\_

TO: CMA CGM (AMERICA) INC.  
5701 Lake Wright Drive  
Norfolk, VA 23502

**YOU ARE HEREBY SUMMONED** and required to serve on DEFENDANT'S ATTORNEY (name and address)

DEAN E. WEISGOLD, ESQUIRE  
1835 Market Street, Suite 1215  
Philadelphia, PA 19103  
(215) 599-0327

an answer to the complaint which is served on you with this Summons, within \_\_\_\_\_ days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

\_\_\_\_\_  
CLERK

\_\_\_\_\_  
DATE

\_\_\_\_\_  
(By) DEPUTY CLERK

<b>RETURN OF SERVICE</b>		
Service of the Summons and complaint was made by me <sup>1</sup>	DATE	
NAME OF SERVER ( <i>PRINT</i> )	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<div style="margin-bottom: 10px;"><input type="checkbox"/> Served personally upon the defendant. Place where served:</div> <div style="margin-bottom: 10px;"><input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.</div> <div style="margin-bottom: 10px;"><input type="checkbox"/> Returned unexecuted:</div> <div style="margin-bottom: 10px;"><input type="checkbox"/> Other (specify):</div>		
<b>STATEMENT OF SERVICE FEES</b>		
TRAVEL	SERVICES	TOTAL: \$0.00
<b>DECLARATION OF SERVER</b>		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p>		
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>Executed on _____</p> <p style="text-align: center;">Date</p> </div> <div style="width: 50%;"> <p>_____ <i>Signature of Server</i></p>    <p>_____ <i>Address of Server</i></p> </div> </div>		

<sup>1</sup> As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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CMA CGM (AMERICA) INC.	:	CIVIL ACTION
	:	
	:	
v.	:	No.
	:	
FR. MEYER'S SOHN NORTH AMERICA	:	
LLC	:	
	:	

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**NOTICE OF REMOVAL**

TO THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF PENNSYLVANIA

Defendant Fr. Meyer's Sohn North America LLC ("FMS"), by and through its attorneys, Dean E. Weisgold, P.C., hereby removes the above-captioned matter from the Court of Common Pleas of Berks County, Pennsylvania, in which it is now pending, to the United States District Court for the Eastern District of Pennsylvania, and in support thereof states the following:

1. A complaint was filed in this civil action on March 9, 2012, docketed in the Court of Common Pleas of Berks County at No. 12-3867. A true and correct copy of plaintiff's complaint is attached hereto as Exhibit "A."
2. Plaintiff's complaint was served on defendant FMS on March 19, 2012.
3. The present case is removable from state court to the United States District Court because a federal question is involved pursuant to 28 U.S.C. Sections 1331, 1337 and 1441. This case involves ocean shipments being transported on international waters and arises pursuant to the provisions of the Carriage of Goods by Sea Act, 46 U.S.C. Section 1300 et seq., and the Shipping

Act, 49 U.S.C. Section 40101. In addition, the United States Constitution extends federal jurisdiction to all cases of admiralty and maritime jurisdiction. U.S. Const. Article III, Section 2.

4. Defendant FMS shall promptly provide notice of the removal of this matter to the Court of Common Pleas of Berks County.

WHEREFORE, petitioner Fr. Meyer's Sohn North America LLC prays that the above action pending in the Court of Common Pleas of Berks County be removed to the United States District Court for the Eastern District of Pennsylvania.

**DEAN E. WEISGOLD, P.C.**

**DEW 2044**

---

By: Dean E. Weisgold, Esquire  
Identification No. 52927  
1835 Market Street, Suite 1215  
Philadelphia, PA 19103  
(215) 599-0327  
Attorney for defendant Fr. Meyer's Sohn  
North America LLC

Dated: April 16, 2012



**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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CMA CGM (AMERICA) INC.	:	CIVIL ACTION
	:	
	:	
v.	:	No.
	:	
FR. MEYER'S SOHN NORTH AMERICA	:	
LLC	:	
	:	

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**PROOF OF SERVICE- NOTICE OF REMOVAL**

Dean E. Weisgold, Esquire, hereby certifies that a true and correct copy of defendant's Notice of Removal was served by United States first class mail, postage prepaid on April \_\_\_\_, 2012 to the counsel below named:

Shawn P. McClure, Esquire  
Bernstein Law Firm  
Suite 2200 Gulf Tower  
Pittsburgh, PA 15219

**DEAN E. WEISGOLD, P.C.**

**DEW 2044**

\_\_\_\_\_  
By: Dean E. Weisgold, Esquire  
Identification No. 52927  
1835 Market Street, Suite 1215  
Philadelphia, PA 19103  
(215) 599-0327  
Attorney for defendant Fr. Meyer's Sohn  
North America LLC

Dated: April 16, 2012

RECEIVED  
PROTHONOTARY'S OFFICE

2012 MAR -9 P 2:23

IN THE COURT OF COMMON PLEAS OF BERKS COUNTY, PENNSYLVANIA  
CIVIL DIVISION

BERKS COUNTY, PA  
MARIANNE R. SUTTON  
PROTHONOTARY

CMA CGM (AMERICA) INC.,

Plaintiff,

Vs.

Civil Action No. 12-3867

FR MEYER'S SOHN NORTH  
AMERICA LLC,

Defendant.

**COMPLAINT IN CIVIL ACTION**

FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF THIS  
PARTY:

SHAWN P. MCCLURE, ESQUIRE  
PA ID #205951

JENNIFER L. TIS, ESQUIRE  
PA ID #203751

Bernstein Law Firm, P.C.  
Firm #718  
Suite 2200 Gulf Tower  
Pittsburgh, PA 15219  
412-456-8100

**BERNSTEIN FILE NO. C0076490**

IN THE COURT OF COMMON PLEAS OF BERKS COUNTY, PENNSYLVANIA  
CIVIL DIVISION

RECEIVED  
PROTHONOTARY'S OFFICE  
2012 MAR -9 P 2:23

CMA CGM (AMERICA) INC.,

Plaintiff,

Vs.

Civil Action No.

BERKS COUNTY, PA  
MARIANNE R. SUTTON  
PROTHONOTARY

FR MEYER'S SOHN NORTH  
AMERICA LLC,

12 - 3847

Defendant.

**NOTICE AND COMPLAINT**

**NOTICE TO DEFEND**

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served upon you, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a Judgment may be entered against you by the Court, without further notice, for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

BERKS COUNTY  
LAWYER REFERRAL SERVICE  
BERKS COUNTY BAR ASSOCIATION  
544-546 COURT STREET  
P.O. BOX 1058  
READING, PA 19603  
610-375-4591

**COMPLAINT**

1. Plaintiff, CMA CGM (America), LLC ("Plaintiff"), is a Limited Liability Company with offices at 5701 Lake Wright Drive, Norfolk, Virginia 23502.

2. Defendant, FR Meyer's Sohn North America, LLC ("Defendant"), is a Limited Liability company having offices and place of business at 1 First Avenue, Suite 100, West Reading, Berks County, Pennsylvania 19611.

3. At the special instance and request of Defendant, Plaintiff sold and delivered to Defendant certain goods, wares, merchandise and services, as are more specifically described on Plaintiff's Invoices. A true and correct copy of Plaintiff's Invoices are attached hereto, marked Exhibit "1," and made a part hereof.

4. Plaintiff avers that Defendant received duplicates or copies of said invoices in the regular course of Plaintiff's business.

5. Defendant received and accepted the aforementioned goods, wares, merchandise and services.

6. The prices charged by Plaintiff were the fair, reasonable, and market prices that prevailed at the times of the transactions.

7. The prices charged by Plaintiff were the prices that Defendant agreed to pay.

8. Plaintiff avers that as of June 28, 2011, a balance of \$13,945.00 remains due and owing to Plaintiff as a result of the Defendant's failure to pay for the aforementioned goods, wares and merchandise purchased on a commercial credit account.

9. Plaintiff claims legal interest at the rate of six percent (6%) per annum as damages on the liquidated balance.

10. Plaintiff avers that legal interest at the aforesaid rate amounts to \$323.22 from June 28, 2011 through November 16, 2011.


11. Plaintiff avers that the Agreement between the parties provides that Defendant will pay Plaintiff's collection costs (including reasonable attorneys' fees).

12. Plaintiff avers that such reasonable collection costs (including reasonable attorneys' fees) will amount to \$4,643.69.

13. Although repeatedly requested to do so by Plaintiff, Defendant has willfully failed and refused to pay the aforesaid balance, interest, attorneys' fees, or any part thereof to Plaintiff.

WHEREFORE, Plaintiff demands Judgment against Defendant, FR Meyer's Sohn North America, LLC, in the amount of \$18,911.91, with continuing legal interest on the principal balance at the rate of six percent (6%) per annum, and costs.

BERNSTEIN LAW FIRM, P.C.

By: 

Shawn P. McClure, Esquire  
PA ID #205951  
Attorney for Plaintiff  
707 Grant Street  
Suite 2200 - Gulf Tower  
Pittsburgh, PA 15219  
412-456-8100

**BERNSTEIN FILE NO. C0076490**

CMA CGM (AMERICA) LLC  
5701 LAKE WRIGHT DRIVE  
NORFOLK--VA--23502  
UNITED STATES  
TEL:17579612100 FAX:877-634-8419  
VAT NO. US00000

**CMA CGM**

Please use B/L number as reference with payment

Bill of Lading: NA1733394 Booking Ref: NAM10078298

Customer: 0000041631/001

Your Ref: SUBS OK

**INVOICE**  
NAEX0867618

**ORIGINAL**

Date: 22-OCT-2010

Invoice To: FR MEYERS SOHN NORTH AMERICA  
1 FIRST AVE  
SUITE 100  
WEST READING--PA--19611  
UNITED STATES

Payable to: CMA CGM (AMERICA) LLC  
5701 LAKE WRIGHT DRIVE  
NORFOLK--VA--23502  
UNITED STATES

VAT NO.: US00000

VAT NO.: US00000

Invoiced By: Christina Wills

Tel: 866-253-3882

Voyage: GX686E Local Voyage Ref: -  
Export Cargo Mode: Merchant Haulage  
Place of Receipt: -  
Load Port: NORFOLK, VA  
Shipper: FOMAROLI CARTA S.P.A.  
VIA TREBBIA 71

Vessel: LIRIA P Call Date: 19 OCT 2010  
Import Cargo Mode: Merchant Haulage  
Discharge Port: LIVORNO  
Place of Delivery: -  
Freight Forwarders: FR MEYERS SOHN NORTH AMERICA LLC  
ONE FIRST AVENUE, SUITE 100

Quote Reference: QNAM006289

Service Contract: -

Remarks: \*\*\*BOOKING SPLIT/ROLLED DUE TO CONTAINERS MISSING THE PORT CUT OFF\*\*\*

(C) Equipment Export Demurrage Charge.

Container Number: CAIU8094944 Size/Type: 40HC Total billable days: 3 Calendar Days

Start Event Data: 11-OCT-10 - Gate in Full - NORFOLK, VA - Maersk Terminal

Stop Event Data: 19-OCT-10 - Load on Board Full - NORFOLK, VA - Maersk Terminal

From Date	To Date	Days	Type	Rate	Inv. Currency	Inv. Amount
11-OCT-10	15-OCT-10	5	Working	0.00	USD	0.00
18-OCT-10	18-OCT-10	3	Calendar	100.00	USD	300.00

Container Number: CMAU4068343

Size/Type: 40HC

Total billable days: 3 Calendar Days

Start Event Data: 11-OCT-10 - Gate in Full - NORFOLK, VA - Maersk Terminal

Stop Event Data: 19-OCT-10 - Load on Board Full - NORFOLK, VA - Maersk Terminal

From Date	To Date	Days	Type	Rate	Inv. Currency	Inv. Amount
11-OCT-10	15-OCT-10	5	Working	0.00	USD	0.00
18-OCT-10	18-OCT-10	3	Calendar	100.00	USD	300.00

Container Number: CMAU4077549

Size/Type: 40HC

Total billable days: 4 Calendar Days

Start Event Data: 08-OCT-10 - Gate in Full - NORFOLK, VA - Maersk Terminal

Stop Event Data: 19-OCT-10 - Load on Board Full - NORFOLK, VA - Maersk Terminal

From Date	To Date	Days	Type	Rate	Inv. Currency	Inv. Amount
08-OCT-10	14-OCT-10	5	Working	0.00	USD	0.00
15-OCT-10	18-OCT-10	4	Calendar	100.00	USD	400.00

(C) For and on behalf of CMA - CGM  
4 Quai d'Arenç  
13002 MARSEILLE-FRANCE  
FR72562024422

Carrier No. NACMA2254675

IBAN:FR7610096181020006423311422 SWIFT: CMCIFRPP  
BENEF: CMA CGM AMERICA CTE AFFEC SPECIA FCT ATTILA  
CIC GRANDES ENTREPRISES MARSEILLE  
448 AV DU PRADO  
BP 279 MARSEILLE CEDEX 08  
MARSEILLES  
13269 FRANCE 13  
Account Number: 00064233114

Total Amount Due: 4,200.00 USD

Payable by 22-OCT-2010

PLEASE SEE ANY SPECIAL PAYMENT NOTES AT THE BOTTOM OF THIS PAGE

Disputes must be sent to [usa.deldemibilling@cma-cgm.com](mailto:usa.deldemibilling@cma-cgm.com) within 30 days of invoice date. CMA CGM holds trucker and customer jointly and severally liable for charges, but bills trucker in first instance. If the trucker provides evidence of compliance with all obligations, we will hold customer responsible for payment of all charges, including attorney fees necessary to collect outstanding amounts.

**EXHIBIT**

CMA CGM (AMERICA) LLC  
5701 LAKE WRIGHT DRIVE  
NORFOLK-VA-23502  
UNITED STATES  
TEL:17579612100 FAX:877-634-8419  
VAT NO. USD0000



Please use B/L number as reference with payment

Bill of Lading: NA1733394 Booking Ref: NAM1007929B

Customer: 0000041631/001

Your Ref: SUBS OK

**INVOICE**  
NAEX0867618

**ORIGINAL**

Date: 22-OCT-2010

Container Number: CMAU5123717 Size/Type: 40HC Total billable days: 3 Calendar Days

Start Event Date: 11-OCT-10 - Gate in Full - NORFOLK, VA - Maersk Terminal

Stop Event Date: 19-OCT-10 - Load on Board Full - NORFOLK, VA - Maersk Terminal

From Date	To Date	Days	Type	Rate	Inv. Currency	Inv. Amount
11-OCT-10	15-OCT-10	5	Working	0.00	USD	0.00
16-OCT-10	18-OCT-10	3	Calendar	100.00	USD	300.00

Container Number: CMAU5634131

Size/Type: 40HC

Total billable days: 3 Calendar Days

Start Event Date: 11-OCT-10 - Gate in Full - NORFOLK, VA - Maersk Terminal

Stop Event Date: 19-OCT-10 - Load on Board Full - NORFOLK, VA - Maersk Terminal

From Date	To Date	Days	Type	Rate	Inv. Currency	Inv. Amount
11-OCT-10	15-OCT-10	5	Working	0.00	USD	0.00
16-OCT-10	18-OCT-10	3	Calendar	100.00	USD	300.00

Container Number: CMAU5639961

Size/Type: 40HC

Total billable days: 3 Calendar Days

Start Event Date: 11-OCT-10 - Gate in Full - NORFOLK, VA - Maersk Terminal

Stop Event Date: 19-OCT-10 - Load on Board Full - NORFOLK, VA - Maersk Terminal

From Date	To Date	Days	Type	Rate	Inv. Currency	Inv. Amount
11-OCT-10	15-OCT-10	5	Working	0.00	USD	0.00
16-OCT-10	18-OCT-10	3	Calendar	100.00	USD	300.00

Container Number: ECMU9147941

Size/Type: 40HC

Total billable days: 4 Calendar Days

Start Event Date: 08-OCT-10 - Gate in Full - NORFOLK, VA - Maersk Terminal

Stop Event Date: 19-OCT-10 - Load on Board Full - NORFOLK, VA - Maersk Terminal

From Date	To Date	Days	Type	Rate	Inv. Currency	Inv. Amount
08-OCT-10	14-OCT-10	5	Working	0.00	USD	0.00
15-OCT-10	18-OCT-10	4	Calendar	100.00	USD	400.00

Container Number: ECMU9219527

Size/Type: 40HC

Total billable days: 4 Calendar Days

Start Event Date: 08-OCT-10 - Gate in Full - NORFOLK, VA - Maersk Terminal

Stop Event Date: 19-OCT-10 - Load on Board Full - NORFOLK, VA - Maersk Terminal

From Date	To Date	Days	Type	Rate	Inv. Currency	Inv. Amount
08-OCT-10	14-OCT-10	5	Working	0.00	USD	0.00
15-OCT-10	18-OCT-10	4	Calendar	100.00	USD	400.00

Container Number: ECMU9872399

Size/Type: 40HC

Total billable days: 3 Calendar Days

Start Event Date: 11-OCT-10 - Gate in Full - NORFOLK, VA - Maersk Terminal

Stop Event Date: 19-OCT-10 - Load on Board Full - NORFOLK, VA - Maersk Terminal

From Date	To Date	Days	Type	Rate	Inv. Currency	Inv. Amount
11-OCT-10	15-OCT-10	5	Working	0.00	USD	0.00
16-OCT-10	18-OCT-10	3	Calendar	100.00	USD	300.00

(C) For and on behalf of CMA - CGM  
4 Quai d'Arne  
13002 MARSEILLE-FRANCE  
FR72562024422

Carrier No. NACMA2264675

IBAN:FR7610096181020006423311422 SWIFT: CMCIFRPP  
BENEF: CMA CGM AMERICA CTE AFFEC SPECIA FCT ATTILA  
CIC GRANDES ENTREPRISES MARSEILLE  
448 AV DU PRADO  
BP 279 MARSEILLE CEDEX 08  
MARSEILLES  
13269 FRANCE 13  
Account Number 00064233114

Total Amount Due: 4,200.00 USD

Payable by 22-OCT-2010

PLEASE SEE ANY SPECIAL PAYMENT NOTES AT THE BOTTOM OF THIS PAGE

Disputes must be sent to [usa.datcdebiting@cma-cgm.com](mailto:usa.datcdebiting@cma-cgm.com) within 30 days of invoice date. CMA CGM holds trucker and customer jointly and severally liable for charges, but bills trucker in first instance. If the trucker provides evidence of compliance with all obligations, we will hold customer responsible for payment of all charges, including attorney fees necessary to collect outstanding amounts.



CMA CGM (AMERICA) LLC  
5701 LAKE WRIGHT DRIVE  
NORFOLK-VA-23502  
UNITED STATES  
TEL:17579612100 FAX:877-634-8410  
VAT NO. US00000

**CMA CGM**

Please use B/L number as reference with payment

Bill of Lading: NA1733394 Booking Ref: NAM1007829B  
Customer: 0000041631/001  
Your Ref: SUBS OK

**INVOICE**  
NAEX0867618

**ORIGINAL**

Date: 22-OCT-2010

Container Number: ECMU9913672 Size/Type: 40HC Total billable days: 3 Calendar Days  
Start Event Data: 11-OCT-10 - Gate in Full - NORFOLK, VA - Maersk Terminal  
Stop Event Data: 19-OCT-10 - Load on Board Full - NORFOLK, VA - Maersk Terminal

From Date	To Date	Days	Type	Rate	Inv. Currency	Inv. Amount
11-OCT-10	15-OCT-10	5	Working	0.00	USD	0.00
16-OCT-10	18-OCT-10	3	Calendar	100.00	USD	300.00

Container Number: GSTU7726500 Size/Type: 40HC Total billable days: 3 Calendar Days  
Start Event Data: 11-OCT-10 - Gate in Full - NORFOLK, VA - Maersk Terminal  
Stop Event Data: 19-OCT-10 - Load on Board Full - NORFOLK, VA - Maersk Terminal

From Date	To Date	Days	Type	Rate	Inv. Currency	Inv. Amount
11-OCT-10	15-OCT-10	5	Working	0.00	USD	0.00
16-OCT-10	18-OCT-10	3	Calendar	100.00	USD	300.00

Container Number: TGHU8655721 Size/Type: 40HC Total billable days: 3 Calendar Days  
Start Event Data: 11-OCT-10 - Gate in Full - NORFOLK, VA - Maersk Terminal  
Stop Event Data: 19-OCT-10 - Load on Board Full - NORFOLK, VA - Maersk Terminal

From Date	To Date	Days	Type	Rate	Inv. Currency	Inv. Amount
11-OCT-10	15-OCT-10	5	Working	0.00	USD	0.00
16-OCT-10	18-OCT-10	3	Calendar	100.00	USD	300.00

Container Number: TGHU8966908 Size/Type: 40HC Total billable days: 3 Calendar Days  
Start Event Data: 11-OCT-10 - Gate in Full - NORFOLK, VA - Maersk Terminal  
Stop Event Data: 19-OCT-10 - Load on Board Full - NORFOLK, VA - Maersk Terminal

From Date	To Date	Days	Type	Rate	Inv. Currency	Inv. Amount
11-OCT-10	15-OCT-10	5	Working	0.00	USD	0.00
16-OCT-10	18-OCT-10	3	Calendar	100.00	USD	300.00

Currency Charge Totals  
USD 4,200.00  
Total 4,200.00

(C) For and on behalf of CMA - CGM  
4 Quai d'Arcet  
13002 MARSEILLE-FRANCE  
FR72562024422

Carrier No. NACMA2264675

Total Amount Due: 4,200.00 USD

ISAN:FR7610096181020006423311422 SWIFT: CMCIFRPP  
BENEF: CMA CGM AMERICA CTE AFPEC SPECIA FCT ATTILA  
CIC GRANDES ENTREPRISES MARSEILLE  
448 AV DU PRADO  
BP 279 MARSEILLE CEDEX 08  
MARSEILLES  
13269 FRANCE 13  
Account Number: 00064233114

Payable by 22-OCT-2010

PLEASE SEE ANY SPECIAL PAYMENT NOTES AT THE BOTTOM OF THIS PAGE

Disputes must be sent to [usa.deldembling@cma-cgm.com](mailto:usa.deldembling@cma-cgm.com) within 30 days of invoice date. CMA CGM holds trucker and customer jointly and severally liable for charges, but bills trucker in first instance. If the trucker provides evidence of compliance with all obligations, we will hold customer responsible for payment of all charges, including attorney fees necessary to collect outstanding amounts.



CMA CGM (AMERICA) LLC  
5701 LAKE WRIGHT DRIVE  
NORFOLK-VA-23502  
UNITED STATES  
TEL:17579512100 FAX:877-634-8419  
VAT NO. US00000

**CMA CGM**

Please use B/L number as reference with payment.

Bill of Lading: NA1751948 Booking Ref: NAM1028534B

Customer: 0000041631/001

Your Ref: 51012-23-048

**INVOICE**  
NAEX0887864

**COPY**

Date: 14-DEC-2010 15:23

Invoice To: FR MEYERS SOHN NORTH AMERICA  
1 FIRST AVE  
SUITE 100  
WEST READING-PA-19611  
UNITED STATES

Payable to: CMA CGM (AMERICA) LLC  
5701 LAKE WRIGHT DRIVE  
NORFOLK-VA-23502  
UNITED STATES

VAT NO.: US00000

VAT NO.: US00000

Please contact Customer Service for further information

Involved By: Michelle Gunn Tel:

Voyage: YT252W Local Voyage Ref: - Vessel: MSC SILVANA

Call Date: 29 NOV 2010

Place of Receipt: CHICAGO, IL

Discharge Port: KAOHSIUNG

Load Port: LONG BEACH, CA

Place of Delivery: -

Shipper: FMS C/O

Freight Forwarders: FR. MEYER'S SOHN NORTH AMERICA LLC

Consignee: GREAT WALL ENTERPRISE CO., LTD.  
TEL:8862-2657-7111

Notify: GREAT WALL ENTERPRISE CO., LTD.  
TEL:8862-2657-7111

Commodity Code	Description	Package	Qty			
110412	dried distillery grain	40HC	3			
Container Number(s): ECMU9723800 FSCU6958398 TCNU9838535						
Size/Type	Charge Description	Based on	Rate	Currency	Amount	Amount in USD
C	OCEAN FREIGHT	3		USD	4,350.00	4,350.00
40HC L	Documentation Fees, incl Bal. service, export	1 FIX	50.00	USD	50.00	50.00
40HC C	Change of destination(at sea) fee, incl restows	1 FIX	500.00	USD	500.00	500.00
				Currency Charge Totals		
				USD	4,900.00	
				Total		4,900.00

(C) For and on behalf of CMA - CGM  
4 Quai d'Arené  
13002 MARSEILLE-FRANCE  
FR72562024422

Carrier No. NACMA2324016

IBAN:FR7610096181020066423311422 SWIFT: CMCIFRPP  
BENEF: CMA CGM AMERICA CTE AFEC SPECIA FCT ATTILA  
CIC GRANDES ENTREPRISES MARSEILLE  
448 AV DU PRADO  
BP 279 MARSEILLE CEDEX 08  
MARSEILLES  
13289 FRANCE 13  
Account Number: 00064233114

**Total Amount: 4,900.00 USD**

Payable by 20-DEC-2010

PLEASE SEE ANY SPECIAL PAYMENT NOTES AT THE BOTTOM OF THIS PAGE

FOR CUSTOMERS WITHOUT CMA CGM CREDIT: If payment is not received within 14 calendar days of vessels' departure, a late payment fee of \$50 per B/L will be assessed. Additionally, a late payment fee of \$200 per B/L will be further assessed if payment is not received within 30 calendar days of vessels' departure. These fees must be paid in full prior to B/L & cargo release.

CMA CGM (AMERICA) LLC  
5701 LAKE WRIGHT DRIVE  
NORFOLK-VA-23502  
UNITED STATES  
TEL:17579012100 FAX:877-634-8419  
VAT NO. US00000

**CMA CGM**

Please use B/L number as reference with payment

Bill of Lading: NA1747965 Booking Ref: NAM1028590  
Customer: 0001796679001  
Your Ref: 61012-23-007

**INVOICE**  
NAEX0888964

**COPY**

Date: 16-DEC-2010 13:55

Invoice To: FR MEYERS SOHN NORTH AMERICA LLC  
1451 QUAIL ST SUITE 212  
NEWPORT BEACH-CA-92660  
UNITED STATES

Payable to: CMA CGM (AMERICA) LLC  
5701 LAKE WRIGHT DRIVE  
NORFOLK-VA-23502  
UNITED STATES

VAT NO.: US00000

Please contact Customer Service for further information

Invoiced By: Meredith Breeden Tel:

Voyage: TX710W Local Voyage Ref: - Vessel: MSC TOMOKO  
Place of Receipt: CHICAGO, IL  
Load Port: LONG BEACH, CA  
Shipper: FMS C/O  
NEWARK, OH 43055

Call Date: 04 DEC 2010

Discharge Port: MANILA NORTH HARBOUR [NOT VALID]  
Place of Delivery:  
Freight Forwarders: FR. MEYER'S SOHN NORTH AMERICA LLC

Consignee: TO THE ORDER OF SIMON

Notify: SIMON ENTERPRISES, INC.

Commodity Code	Description	Package	Qty		
110412	dry distilled grains	40HC	19		
110412	dry distilled grains	40ST	1		
110412	dry distilled grains	40ST	2		
110412	dry distilled grains	40ST	2		
110412	dry distilled grains	40ST	2		
110412	dry distilled grains	40ST	4		
Container Number(s): CAXU7185342 CAXU8161561 CMAU5180023 CMAU5438885 CMAU5595781 CMAU5693176 CMAU5708790					
CMAU5742141 CMAU8063951 CMAU8141340 CRXU9265668 ECMU4194215 ECMU4282384 ECMU4460450					
ECMU4548978 ECMU9246651 ECMU9447152 ECMU9752198 FSCU4189570 GSTU9331160 GVOU5058623					
INKU2368816 INKU2481735 INKU2615639 TGHU4706517 TGHU4887694 TGHU8430896 TRLU5556242					
TRLU7470472 WFHU5085695					
Size/Type	Charge Description	Based on	Rate Currency	Amount	Amount in USD
C	OCEAN FREIGHT		USD	35,250.00	35,250.00
40HC	C Ocean Carrier-Intl Ship & port Facility Security	19 UNI	10.00 USD	190.00	190.00
40HC	C Emergency Fuel Adjustment Factor	19 UNI	150.00 USD	2,850.00	2,850.00
40HC	C Pre carriage corridor surcharge	19 UNI	40.00 USD	760.00	760.00
40ST	C Ocean Carrier-Intl Ship & port Facility Security	2 UNI	10.00 USD	20.00	20.00
40ST	C Emergency Fuel Adjustment Factor	2 UNI	150.00 USD	300.00	300.00
40ST	C Pre carriage corridor surcharge	2 UNI	40.00 USD	80.00	80.00
40ST	C Ocean Carrier-Intl Ship & port Facility Security	4 UNI	10.00 USD	40.00	40.00
40ST	C Emergency Fuel Adjustment Factor	4 UNI	150.00 USD	600.00	600.00
40ST	C Pre carriage corridor surcharge	4 UNI	40.00 USD	160.00	160.00
40ST	C Ocean Carrier-Intl Ship & port Facility Security	2 UNI	10.00 USD	20.00	20.00
40ST	C Emergency Fuel Adjustment Factor	2 UNI	150.00 USD	300.00	300.00
40ST	C Pre carriage corridor surcharge	2 UNI	40.00 USD	80.00	80.00
40ST	C Ocean Carrier-Intl Ship & port Facility Security	2 UNI	10.00 USD	20.00	20.00
40ST	C Emergency Fuel Adjustment Factor	2 UNI	150.00 USD	300.00	300.00
40ST	C Pre carriage corridor surcharge	2 UNI	40.00 USD	80.00	80.00

(C) For and on behalf of CMA - CGM  
4 Quai d'Arenc  
13002 MARSEILLE-FRANCE  
FR72562024422

Carrier No. NACMA2326758

IBAN: FR7610096181020006423311422 SWIFT: CMCIFRPP  
BENEF: CMA CGM AMERICA CTE AFEC SPECIA FCT ATTILA  
CIC GRANDES ENTREPRISES MARSEILLE  
448 AV DU PRADO  
BP 279 MARSEILLE CEDEX 08  
MARSEILLES  
13269 FRANCE 13  
Account Number: 00064233114

Total Amount: 41,250.00 USD

Payable by 25-DEC-2010  
PLEASE SEE ANY SPECIAL PAYMENT NOTES AT THE BOTTOM OF THIS PAGE

FOR CUSTOMERS WITHOUT CMA CGM CREDIT: If payment is not received within 14 calendar days of vessels' departure, a late payment fee of \$50 per B/L will be assessed. Additionally, a late payment fee of \$200 per B/L will be further assessed if payment is not received within 30 calendar days of vessels' departure. These fees must be paid in full prior to B/L & cargo release.

CMA CGM (AMERICA) LLC  
5701 LAKE WRIGHT DRIVE  
NORFOLK-VA--23502  
UNITED STATES  
TEL:17579612100 FAX:877-634-8419  
VAT NO. US00000

**CMA CGM**

Please use B/L number as reference with payment

Bill of Lading: NA1747965 Booking Ref: NAM1028590

Customer: 0001796679/001

Your Ref: 61012-23-007

**INVOICE**  
**NAEX0888964**

**COPY**

16-DEC-2010 13:56

Size/Type	Charge Description	Based on	Rate	Currency	Amount	Amount in USD
40ST C	Ocean Carrier-Intl Ship & port Facility Security	1 UNI	10.00	USD	10.00	10.00
40ST C	Emergency Fuel Adjustment Factor	1 UNI	150.00	USD	150.00	150.00
40ST C	Pre carriage corridor surcharge	1 UNI	40.00	USD	40.00	40.00
					Currency Charge Totals	
					USD	41,250.00
					Total	41,250.00

(C)For and on behalf of CMA - CGM  
4 Quai d'Arenc  
13002 MARSEILLE-FRANCE  
FR72562024422

Carrier No. NACMA2326758

IBAN:FR7810096181020006423311422 SWIFT: CMCIFRPP  
BENEF:CMA CGM AMERICA CTE AFFEC SPECIA FCT ATTILA  
CIC GRANDES ENTREPRISES MARSEILLE  
448 AV DU PRADO  
BP 279 MARSEILLE CEDEX 08  
MARSEILLES  
13260 FRANCE 13  
Account Number.00064233114

Total Amount:

41,250.00 USD

Payable by 25-DEC-2010

PLEASE SEE ANY SPECIAL PAYMENT NOTES AT THE BOTTOM OF THIS PAGE

FOR CUSTOMERS WITHOUT CMA CGM CREDIT: If payment is not received within 14 calendar days of vessels' departure, a late payment fee of \$50 per B/L will be assessed. Additionally, a late payment fee of \$200 per B/L will be further assessed if payment is not received within 30 calendar days of vessels' departure. These fees must be paid in full prior to B/L & cargo release.

CMA CGM (AMERICA) LLC  
5701 LAKE WRIGHT DRIVE  
NORFOLK-VA-23502  
UNITED STATES  
TEL:17579612100 FAX:877-834-8419  
VAT NO. US00000

**CMA CGM**

Please use B/L number as reference with payment

Bill of Lading: NA1742033 Booking Ref: NAM1010478D

Customer: 0000041631/001

Your Ref: 61011-23-020

**INVOICE**  
NAIM1963137

**ORIGINAL**

Date: 06-JUN-2011

Invoice To: FR MEYERS SOHN NORTH AMERICA  
1 FIRST AVE  
SUITE 100  
WEST READING-PA-19011  
UNITED STATES

Payable to: CMA CGM (AMERICA) LLC  
5701 LAKE WRIGHT DRIVE  
NORFOLK-VA-23502  
UNITED STATES

VAT NO.: US00000

VAT NO.: US00000

Invoiced By: Carmelaine Klimaszewsk Tel: 877-556-6308

Voyage: QJ139W Local Voyage Ref: -  
Export Cargo Mode: Merchant Haulage  
Place of Receipt: CHICAGO, IL  
Load Port: LONG BEACH, CA  
Consignee: TO THE ORDER OF SECURITY BANK  
CORPORATION

Vessel: FRISIA KIEL Call Date: 06 DEC 2010  
Import Cargo Mode: Merchant Haulage  
Discharge Port: MANILA  
Place of Delivery: -  
Notify: SUMMIT AGRI COMMODITIES EXCHANGE  
CORP.

Quote Reference: QNAM023652

Service Contract: -

Remarks: FIRST 5 DAYS FREE - CNTRS ON DOCK TOO LONG

(C) Equipment Import Demurrage Charge

Container Number: CMAU5738708 Size/Type: 40HC Total billable days: 29 Calendar Days  
Start Event Date: 06-DEC-10 - Discharged Full - MANILA - Manila North Terminal  
Stop Event Date: 14-JAN-11 - Gate out Full - MANILA - Manila North Terminal

From Date	To Date	Days	Type	Rate	Inv. Currency	Inv. Amount
06-DEC-10	16-DEC-10	11	Calendar	0.00	USD	0.00
17-DEC-10	19-DEC-10	3	Calendar	15.00	USD	45.00
20-DEC-10	23-DEC-10	4	Calendar	30.00	USD	120.00
24-DEC-10	14-JAN-11	22	Calendar	45.00	USD	990.00

Container Number: ECMU9532927 Size/Type: 40HC Total billable days: 30 Calendar Days  
Start Event Date: 06-DEC-10 - Discharged Full - MANILA - Manila North Terminal  
Stop Event Date: 15-JAN-11 - Gate out Full - MANILA - Manila North Terminal

From Date	To Date	Days	Type	Rate	Inv. Currency	Inv. Amount
06-DEC-10	16-DEC-10	11	Calendar	0.00	USD	0.00
17-DEC-10	19-DEC-10	3	Calendar	15.00	USD	45.00
20-DEC-10	23-DEC-10	4	Calendar	30.00	USD	120.00
24-DEC-10	15-JAN-11	23	Calendar	45.00	USD	1035.00

(C) For and on behalf of CMA - CGM  
4 Quai d'Arenc  
13002 MARSEILLE-FRANCE  
FR72562024422

Carrier No. NAGMA2521285

IBAN:FR7610996181020006423311422 SWIFT: CMCIFRPP  
BENEF: CMA CGM AMERICA CTE AFEC SPECIA FCT ATILA  
CIC GRANDES ENTREPRISES MARSEILLE  
448 AV DU PRADO  
BP 279 MARSEILLE CEDEX 08  
MARSEILLES  
13269 FRANCE 13  
Account Number: 00054233114

Total Amount Due: 4,575.00 USD

Payable by 06-JUN-2011

Payment before delivery of Bill of Lading (Export) or containers (Import)

PLEASE SEE ANY SPECIAL PAYMENT NOTES AT THE BOTTOM OF THIS PAGE

Disputes must be sent to [usa.deldemibilling@cma-cgm.com](mailto:usa.deldemibilling@cma-cgm.com) within 30 days of invoice date. CMA CGM holds trucker and customer jointly and severally liable for charges, but bills trucker in first instance. If the trucker provides evidence of compliance with all obligations, we will hold customer responsible for payment of all charges, including attorney fees necessary to collect outstanding amounts.

CMA CGM (AMERICA) LLC  
5701 LAKE WRIGHT DRIVE  
NORFOLK-VA-23502  
UNITED STATES  
TEL:17579612100 FAX:877-634-6419  
VAT NO. US06000

**CMA CGM**

Please use B/L number as reference with payment

Bill of Lading: NA1742033 Booking Ref: NAM1010478D

Customer: 0000041631/001

Your Ref: 61011-23-020

# INVOICE

NAIM1963137

Date: 06-JUN-2011

ORIGINAL

Container Number: ECMU9587339 Size/Type: 40HC Total billable days: 28 Calendar Days

Start Event Data: 06-DEC-10 - Discharged Full - MANILA - Manila North Terminal

Stop Event Data: 13-JAN-11 - Gate out Full - MANILA - Manila North Terminal

From Date	To Date	Days	Type	Rate	Inv. Currency	Inv. Amount
06-DEC-10	16-DEC-10	11	Calendar	0.00	USD	0.00
17-DEC-10	19-DEC-10	3	Calendar	15.00	USD	45.00
20-DEC-10	23-DEC-10	4	Calendar	30.00	USD	120.00
24-DEC-10	13-JAN-11	21	Calendar	45.00	USD	945.00

Container Number: GLDU7645770

Size/Type: 40HC

Total billable days: 28 Calendar Days

Start Event Data: 06-DEC-10 - Discharged Full - MANILA - Manila North Terminal

Stop Event Data: 13-JAN-11 - Gate out Full - MANILA - Manila North Terminal

From Date	To Date	Days	Type	Rate	Inv. Currency	Inv. Amount
06-DEC-10	16-DEC-10	11	Calendar	0.00	USD	0.00
17-DEC-10	19-DEC-10	3	Calendar	15.00	USD	45.00
20-DEC-10	23-DEC-10	4	Calendar	30.00	USD	120.00
24-DEC-10	13-JAN-11	21	Calendar	45.00	USD	945.00

Currency Charge Totals  
USD 4,575.00

Total 4,575.00

(C) For and on behalf of CMA - CGM  
4 Quai d'Arenc  
13002 MARSEILLE-FRANCE  
FR72562024422

Carrier No. NACMA2521295

IBAN:FR7610096161020006423311422 SWIFT: CMCIFRPP  
BENEF: CMA CGM AMERICA CTE AFPEC SPECIAL FCT ATILA  
CIC GRANDES ENTREPRISES MARSEILLE  
448 AV DU PRADO  
BP 279 MARSEILLE CEDEX 08  
MARSEILLES  
13269 FRANCE 13  
Account Number: 00064233114

Total Amount Due: 4,575.00 USD

Payable by 06-JUN-2011

Payment before delivery of Bill Of Lading (Export) or containers (Import)

PLEASE SEE ANY SPECIAL PAYMENT NOTES AT THE BOTTOM OF THIS PAGE

Disputes must be sent to [usa.deldemibilling@cma-cgm.com](mailto:usa.deldemibilling@cma-cgm.com) within 30 days of invoice date. CMA CGM holds trucker and customer jointly and severally liable for charges, but bills trucker in first instance. If the trucker provides evidence of compliance with all obligations, we will hold customer responsible for payment of all charges, including attorney fees necessary to collect outstanding amounts.

CMA CGM (AMERICA) LLC  
5701 LAKE WRIGHT DRIVE  
NORFOLK-VA--23502  
UNITED STATES  
TEL:17579612100 FAX:877-634-8419  
VAT NO. US00000

**CMA CGM**

Please use B/L number as reference with payment

Bill of Lading: NA1805178 Booking Ref: NAM1133059A  
Customer: 0000041631/001  
Your Ref: -

**INVOICE**  
NAEX0977912

**COPY**

Date: 27-JUN-2011 10:54

Invoice To: FR MEYERS SOHN NORTH AMERICA  
1 FIRST AVE  
SUITE 100  
WEST READING-PA--19611  
UNITED STATES

Payable to: CMA CGM (AMERICA) LLC  
5701 LAKE WRIGHT DRIVE  
NORFOLK-VA--23502  
UNITED STATES

VAT NO.: US00000

VAT NO.: US00000

Please contact Customer Service for further information

Invoiced By: Meredith Breeden Tel.

Voyage: GX744E Local Voyage Ref: - Vessel: MAERSK JURONG

Call Date: 10 MAY 2011

Place of Receipt: -  
Load Port: NORFOLK, VA  
Shipper: FORNAROLI CARTA S.P.A.  
29100 PIACENZA, ITALY

Discharge Port: LIVORNO  
Place of Delivery: -  
Freight Forwarders: FR.MEYER'S SOHN NORTH AMERICA LLC

Consignee: FORNAROLI CARTA S.P.A.  
29100 PIACENZA, ITALY

Notify: TOZZI S.R.L.  
CONTACT: MR. GIANNI SANTORO

Commodity Code	Description	Package	Qty			
480419	Kraftliner, uncoated, in rolls	40HC	30			
Container Number(s):	BSIU9050268 CMAU4000702 CMAU5000100 CMAU5081256 CMAU5113679 CMAU5335737 CMAU5592313					
	ECMU9149040 ECMU9710715 ECMU9827213 FCU8350330 FSCU9527711 GATU8433921 INKU2421000					
	INKU2488468 INKU6117716 TCLU5032420 TCLU5062596 TGHU6333367 TGHU6379645 TGHU7678743					
	TGHU8477260 TGHU8861390 TGHU9475468 TRLU5215117 TRLU5466093 TRLU6978730 TRLU7120936					
	UESU5152684 XINU8236570					
Size/Type	Charge Description	Based on	Rate	Currency	Amount	Amount in USD
40HC C	Import documentation fees	1FIX	50.00	USD	50.00	50.00
				Currency Charge Totals		
				USD	50.00	
				Total		50.00

(C) For and on behalf of CMA - CGM  
4 Quai d'Arenc  
13002 MARSEILLE-FRANCE  
FR72562024422

Carrier No. NACMA2545279

IBAN:FR7610096181020006423311422 SWIFT: CMCIFRPP  
BENEF: CMA CGM AMERICA CTE AFFEC SPECIA FCT ATTILA  
CIC GRANDES ENTREPRISES MARSEILLE  
448 AV DU PRADO  
BP 279 MARSEILLE CEDEX 08  
MARSEILLES  
13268 FRANCE 13  
Account Number: 00064233114

Total Amount:

50.00 USD

Payable by 27-JUN-2011  
PLEASE SEE ANY SPECIAL PAYMENT NOTES AT THE BOTTOM OF THIS PAGE

FOR CUSTOMERS WITHOUT CMA CGM CREDIT: If payment is not received within 14 calendar days of vessels' departure, a late payment fee of \$50 per B/L will be assessed. Additionally, a late payment fee of \$200 per B/L will be further assessed if payment is not received within 30 calendar days of vessels' departure. These fees must be paid in full prior to B/L & cargo release.



CMA CGM (AMERICA) LLC  
5701 LAKE WRIGHT DRIVE  
NORFOLK--VA--23502  
UNITED STATES  
TEL:17579612100 FAX:877-634-8419  
VAT NO. US00000

**CMA CGM**

Please use B/L number as reference with payment

Bill of Lading: NA1802841 Booking Ref: NAM1129461A  
Customer: 0000041631/001  
Your Ref: -

**INVOICE**  
NAEX0977932

**COPY**

Date: 27-JUN-2011 11:05

Invoice To: FR MEYERS SOHN NORTH AMERICA  
1 FIRST AVE  
SUITE 100  
WEST READING--PA--19611  
UNITED STATES

Payable to: CMA CGM (AMERICA) LLC  
5701 LAKE WRIGHT DRIVE  
NORFOLK--VA--23502  
UNITED STATES

VAT NO.: US00000

VAT NO.: US00000

Please contact Customer Service for further information

Invoiced by: Meredith Breeden Tel:

Voyage: PG610W Local Voyage Ref: - Vessel: CMA CGM SWORDFISH Call Date: 29 APR 2011  
Place of Receipt: - Discharge Port: LIVORNO  
Load Port: CHARLESTON, SC Place of Delivery: -  
Shipper: FORNAROLI CARTA S.P.A. Freight Forwarders: FR MEYER'S SOHN NORTH AMERICA LLC

Consignee: FORNAROLI CARTA S.P.A.

Notify: TOZZI S.R.L.  
CONTACT: MR. GIANNI SANTORO

Commodity Code	Description	Package	Qty
4801000020	Newsprint, in rolls or sheets	40HC	14
Container Number(s):	CMAU4012869 CMAU5347105 CMAU5427520 CMAU5513628 CMAU5520519 ECMU9715065 ECMU9925658		
	GLDU0444074 INKU2491081 INKU6097348 INKU5143557 IRNU9017292 TGHU8900290 TRLU5438131		
	TRLU7426187		
Size/Type	Charge Description	Based on	Rate Currency Amount Amount in USD
40HC L	Documentation Fees, incl B/L service, export	FIX	50.00 USD 50.00 50.00
			Currency Charge Totals
			USD 50.00
			Total 50.00

IBAN:FR7610096181020006423311422 SWIFT: CMCIFRPP  
BENEF: CMA CGM AMERICA CTE AFEC SPECIA FCT ATTILA  
CIC GRANDES ENTREPRISES MARSEILLE  
448 AV DU PRADO  
BP 279 MARSEILLE CEDEX 08  
MARSEILLES  
13269 FRANCE 13  
Account Number: 00064233114


Total Amount: 50.00 USD

Payable by 27-JUN-2011  
PLEASE SEE ANY SPECIAL PAYMENT NOTES AT THE BOTTOM OF THIS PAGE

FOR CUSTOMERS WITHOUT CMA CGM CREDIT: If payment is not received within 14 calendar days of vessels' departure, a late payment fee of \$50 per B/L will be assessed. Additionally, a late payment fee of \$200 per B/L will be further assessed if payment is not received within 30 calendar days of vessels' departure. These fees must be paid in full prior to B/L & cargo release.

**VERIFICATION**

The undersigned does hereby verify subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities, and under penalty of perjury, that he/she is agent of CMA-CGM, Plaintiff herein, that he/she is duly authorized to make this Verification and that the facts set forth in the foregoing COMPLAINT are true and correct to the best of his/her knowledge, information and belief.

  
(Sign in Blue Ink)